



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Marie H. Razulis, AELR Committee Counsel
George H. Butler, Jr., AELR Committee Counsel
Crystal L. Lemieux, AELR Committee Counsel

Date: May 20, 2016

Re: **Synopses of Regulations received from 5/6/2016 through 5/19/2016**

Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/catz

cc: Victoria L. Gruber
Alexandra Hughes

Agriculture, Department of

Emergency/Proposed Regulations

DLS Control No. 16-071

Department of Agriculture:

Board of Veterinary Medical Examiners:

Fees: COMAR 15.14.12.02

According to the department, the purpose of this action is to reduce technician registration and hospital license fees to be paid to the State Board of Veterinary Medical Examiners.

Notice of reduced fees has to be provided by the State Board of Veterinary Medical Examiners as soon as possible because registrations are done online to meet the July 1, 2016 date for registering veterinary technicians and veterinary hospitals to avoid a late fee.

Health and Mental Hygiene, Department of

Proposed Regulations

DLS Control No. 16-072

Department of Health and Mental Hygiene:

Medical Care Programs:

Maryland Medicaid Managed Care Program: Definitions: COMAR 10.09.62.01

Maryland Medicaid Managed Care Program: Eligibility and Enrollment:
COMAR 10.09.63.01

Maryland Medicaid Managed Care Program: Managed Care Organizations:
COMAR 10.09.65.03 and .20

Maryland Medicaid Managed Care Program: Access: COMAR 10.09.66.02 and .05

Maryland Medicaid Managed Care Program: Benefits: COMAR 10.09.67.26-3

Maryland Medicaid Managed Care Program: Specialty Mental Health System:
COMAR 10.09.70.02

Maryland Medicaid Managed Care Program: Departmental Dispute Resolution Procedures: COMAR 10.09.72.06

Maryland Medicaid Managed Care Program: Corrective Managed Care:
COMAR 10.09.75.02

According to the department, the purpose of this action is to (1) add definitions of definitive and presumptive drug screen tests; (2) clarify that participants who are sixty-four and one-half years old are only excluded from HealthChoice enrollment when they are newly eligible for Medicaid; (3) remove the requirement that a full Systems Performance Review be conducted annually; (4) require MCOs to pay the State's rate for administrative days; (5) clarify the elements MCOs shall include in their provider directories; (6) change the enrollee to PCP ratio to 200:1 for all PCPs; (7) add language to require MCOs to cover medically necessary gender reassignment surgery; (8) remove the specific procedure codes for laboratory drug screens that are covered by

the BHO, and replace with language clarifying that all definitive and presumptive tests are covered; (9) clarify that MCOs can appeal the denial of Hepatitis C payments and the amount of Value Based Purchasing incentives and disincentives; and (10) add exception for specialty drugs under corrective managed care.

Proposed Regulation

DLS Control No. 16-073

Department of Health and Mental Hygiene:

Board of Physicians:

General Licensure Regulations: COMAR 10.32.01.04

According to the department, the purpose of this action is to amend the verification of medical records provision that allows an authorized official, rather than only a program director, to verify an applicant's accredited training programs and permit verification sent by electronic statements.

Proposed Regulations

DLS Control No. 16-074

Department of Health and Mental Hygiene:

Board of Physicians:

Licensure of Polysomnographic Technologists: COMAR 10.32.06.02, .04 and .08

According to the department, the purpose of this action is to amend the regulation by (1) adding "Board eligible" to the definitions regulation; (2) deleting an extension request provision that has expired; and (3) adding to a list of approved organizations that may provide continuing education courses.

Proposed Regulation

DLS Control No. 16-075

Department of Health and Mental Hygiene:

Board of Physicians:

Licensure of Athletic Trainers: COMAR 10.32.08.06

According to the department, the purpose of this action is to require athletic trainers to (1) identify on the evaluation and treatment protocol practice settings where the athletic trainers may practice; and (2) submit the address of the athletic trainer's primary employer and the address of their supervising physician.

Proposed Regulation

DLS Control No. 16-076

Department of Health and Mental Hygiene:

Board of Physicians:

Licensure of Radiation Therapists, Radiographers, Nuclear Medicine Technologists, and Radiologist Assistants: COMAR 10.32.10.10

According to the department, the purpose of this action is to amend the scope of practice regulation for Nuclear Medicine Technologists to authorize passage of the Nuclear Medicine Technologist Board (NMTCB) examination as an additional pathway to certification. This examination was not offered at the time the initial regulations were adopted.

Proposed Regulation

DLS Control No. 16-077

Department of Health and Mental Hygiene:

Alcohol and Drug Abuse Administration:

Overdose Response Program: COMAR 10.47.08.02-.12

According to the department, the purpose of this action is to (1) authorize advanced practice registered nurses and pharmacists to conduct overdose prevention educational training programs; (2) provide for an exception to training requirements for a patient who receives a naloxone prescription under the provisions of the law; (3) exempt persons who are authorized to dispense naloxone from prescription drug dispensing permit requirements; (4) provide immunity from liability; and (5) repeal the collection of fees that public or private entities may collect from individuals.

Proposed Regulation

DLS Control No. 16-078

Department of Health and Mental Hygiene:

Board of Physicians:

Licensure, Regulation, and Discipline of Naturopathic Doctors:

COMAR 10.32.21.01-.20

According to the department, the purpose of this action is to regulate how an individual becomes licensed as a naturopathic doctor and to regulate and discipline naturopathic doctors in general in accordance with Chapters 153 and 399, Acts of 2014.

Natural Resources, Department of

Proposed Regulation

DLS Control No. 16-067

Department of Natural Resources:

Wildlife: Open Seasons, Bag Limits for Game Birds and Game Animals:

COMAR 08.03.03.01

According to the department, the purpose of this action is to allow the hunting of wild turkeys on private property in Carroll County on Sundays during the junior hunt and spring hunting seasons. This regulation change is to comply with legislation recently passed by the General Assembly during their 2016 session.

Proposed Regulation

DLS Control No. 16-068

Department of Natural Resources:

Wildlife:

Open Seasons, Bag Limits for Game Birds and Game Animals:

COMAR 08.03.03.03, .04, .05, .07, and .08

According to the department, the purpose of this action is to establish the season dates and bag limits for the 2016-2017 and 2017-2018 hunting seasons for forest game, upland game, fur-bearing mammals, white-tailed deer, and sika deer. The seasons and bag limits are similar to the past two hunting seasons.

Proposed Regulation

DLS Control No. 16-069

Department of Natural Resources:

Wildlife:

Forest Wildlife: COMAR 08.03.04.02, .03, .05, .11, .20, and .22

According to the department, the purpose of this action is to amend six existing regulations regarding Deer Management Permit procedures, tagging and reporting requirements for deer and wild turkey, devices for hunting deer, hunting wild turkeys and black bear over bait, expanding the counties for black bear hunting, and cervid carcass and parts importation.

Proposed Regulation

DLS Control No. 16-070

Department of Natural Resources:

Wildlife:

General Wildlife Hunting Regulations: COMAR 08.03.10.02

According to the department, the purpose of this action is to allow the use of electronic bird or animal calls while a person is hunting striped skunks or fishers during the open hunting season for these species. Allowing this change would not create any biological concern or management issue for these game mammals.

Secretary of State

Proposed Regulation

DLS Control No. 16-079

Executive Department:

Secretary of State:

Notary Public Fees: COMAR 01.02.08.04

According to the Secretary, the purpose of this action is to lower the original application fee and renewal fee for notaries public.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 16-080

Maryland Insurance Administration:

Insurers:

Examination of Promoters or Controllers of Insurers: COMAR 31.04.02.00-.07

According to the administration, the purpose of this action is to update certain provisions of COMAR that provide for the suitability of certain individuals who exercise control of any substantial portion of insurance companies that do business in the State. Specifically, these amendments specify the circumstances under which certain insurance companies are required to submit biographical affidavits of principal management to the Maryland Insurance Administration, and the means by which the Maryland Insurance Administration may verify the information contained therein. These proposed amendments implement procedures recommended by the NAIC in their 2014 Company Licensing Best Practices Handbook. The purpose of this reproposal is to (1) clarify the scope of the regulations with regard to workers' compensation self-insurance groups in Regulation .01; (2) amend an inaccurate statutory cross-reference in Regulation .02; (3) amend the lead in to Regulation .03A to clarify to whom biographical affidavits shall be submitted; and (4) correct an inaccurate reference to an inapplicable statutory requirement regarding principal management of an ultimate controlling person in Regulation .03A(4).